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C O N F I D E N T I A L SECTION 01 OF 02 GUATEMALA 000583

SIPDIS

E.O. 12958: DECL: 03/07/2014

TAGS: PREL PHUM GT UNHRC

SUBJECT: GUATEMALA ON 60TH UNCHR

REF: A. SECSTATE 41252

1B. SECSTATE 44603

Classified By: PolOff Robert E. Copley for reasons 1.5 (b) and (d).

11. (C) Per instructions ref A, PolOff jointly delivered reftel demarches to Carla Rodriguez, Director General for Multilateral Affairs at the Foreign Ministry on March 11. Rodriguez said Guatemala's interests at 60 UNCHR largely coincide with ours and that this overlap had improved with the arrival of the Berger administration. She applauded our efforts at outreach, especially to members of GRULAC, and, in response, said that Guatemala would greatly appreciate any flexibility we could show toward its positions on the rights of indigenous peoples and migrants. Rodriguez said Guatemala's new Ambassador to Geneva, Lars Pira, has little experience with UN commissions. He served as Ambassador to Sweden and Norway and has been retired for several years. In response to our points, which were left as non-papers, Rodriguez provided the following feedback:

Thematic Issues

Unqualified calls to sign and ratify treaties - Rodriguez said Guatemala prefers to call states to ratify, but understands our concerns and will support our "consider ratifying" formula.

Juvenile Death Penalty/Rights of the Child Resolution - Guatemala will support the GRULAC position on these issues. Rodriguez agreed that referring to the Convention on the Rights of the Child (CROC) as "the" standard excludes some important international standards on the rights of children, but she stated that 190 countries see the CROC as "the most important" standard and repeated that Guatemala could not go against the GRULAC consensus on this.

ICC - According to Rodriguez, Guatemala views the ICC as an important human rights tool. However, she agrees that inserting ICC references in unrelated resolutions is counterproductive. Rodriguez said our real enemy on this issue is the EU and added that Guatemala would continue to be helpful "in the corridors."

Democratic values - Rodriguez confirmed that Guatemala will co-sponsor Brazil's resolution on Democracy and Racism, Romania's resolution on Consolidation of Democracy and Australia's resolution on Human Rights and Good Governance. She added that Guatemala also shares our negative view of resolutions sponsored by Cuba. In that vein, she said Guatemala will vote against the resolution on Human Rights and Responsibilities. On the other two - Strengthening of Popular Participation and Promotion of a Democratic and Equitable International Order - Rodriguez said Guatemala had switched its vote to "yes" last year in response to a combination of a "real effort" by Cuba to tone down the texts and the personal input of Guatemala's previous Foreign Minister. Guatemala's position this year will depend on what the resolutions actually say. Rodriguez added that support for these resolutions would be seen as a ensuring balance, especially if Guatemala decides to vote against it on the country-specific resolution.

Development - both of the Cuba-sponsored resolutions that Guatemala may support touch on the issue of development, where, Rodriguez said, we have slightly different views. Guatemala agrees with using language developed at Doha and Monterrey as the basis for development resolutions, but not to the exclusion of all other formulas. Rodriguez agrees that consistency is desirable, but argued that in order to be consistent, previous resolutions on development cannot be ignored.

Economic, Social and Cultural Rights - Rodriguez appreciated our expression of interest in finding ways to support more resolutions that address these rights while avoiding language that raises sovereignty and legal concerns. Pressed for ideas about working together, Rodriguez thought the best way forward is for the U.S. to find some way to accept the concept of "indirect rights" as not legally binding.

Anti-Semitism - Rodriguez said Guatemala will support resolutions that condemn it.

Country Resolutions

China - Rodriguez said that Guatemala would have to review the text of any China resolution before forming a position, but added Guatemala opposes no action motions as a matter of principle and would vote against them regardless of the country involved.

Cuba - Rodriguez said Guatemala has not finalized its position. The issue is still being debated within the Foreign Ministry and at higher levels, she said.

Belarus - Rodriguez said Guatemala is likely to support the resolution. She said that last year's abstention was the result of a last-minute Russian intervention, and added that Guatemala is less sensitive on the issue this year.

North Korea - Guatemala will continue to support us.

Iran - Guatemala's traditional support for the Iran resolution ended two years ago when Iran appeared to be opening up. Although Rodriguez agrees there has been no improvement on the ground, she blamed the combination of Arab pressure and our lack of presence on the Commission for last year's abstention. Rodriguez said Guatemala would likely support the resolution this year, but she could only say with certainty that Guatemala would not oppose.

Middle East - Guatemala agrees with the need to consolidate Middle East resolutions, and pointed out that Guatemala routinely uses its explanation of vote to call for consolidation. However, Rodriguez said Guatemala would not vote against all of the resolutions, adding that decisions would be made case-by-case, depending on the text.

12. (C) Guatemalan Ambassadors in Geneva have traditionally had significant autonomy on determining Guatemala's positions on many of the less visible votes at the Human Rights Commission. It will be important for the US Mission to get to know Ambassador Lars Pira on his arrival. Pira is a career diplomat who has been retired for several years. We have been told that his ideological sympathies are from the left of the political spectrum. On highly sensitive votes (i.e. the Cuba resolution) he will doubtless get clear instructions from Guatemala City, but his vote on other issues of importance to us will depend to a large extent on his instincts and lobbying by US Mission Geneva.

HAMILTON